NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 84 LOA 66, Bangalore dated 4th August 1966.

Ordered that the Essential Commodities (Amendment) Ordinance, 1966 (Central Ordinance 9 of 1966), which has been published in the *Gazette of India*, Extraordinary Part II, Section 2, dated the 12th July 1966, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

15 *Under Secretary to Government, L. D.*

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Law Department)

New Delhi, 12th July 1966.

THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1966

No. 9 OF 1966

Promulgated by the President in the Seventeenth Year of the Republic of India.

An Ordinance further to amend the Essential Commodities Act, 1955.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement**.—(1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1966.

(2) It shall come into force at once.

2. Act 10 of 1955 to be temporarily amended.—During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), shall have effect as if it had been amended as specified in sections 3 to 5.

3. Amendment of section 3.—In section 3 of the principal Act, after sub-section (3A), the following sub-section shall be inserted, namely:—

'(3B) Where any person is required by an order made with reference to clause (f) of sub-section (2) to sell any grade or variety of foodgrains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government and either no notification in respect of such foodgrains, edible oilseeds or edible oils has been issued under sub-section (3A) or any such notification having been issued has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—

(*i*) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils; and

(*ii*) the price for such grade or variety of foodgrains, edible oilseeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which that order applies.

Explanation.—For the purposes of this sub-section, "post-harvest period" in relation to any area means a period of three months beginning from the last day of the fortnight during which harvesting operations normally commence".

4. Insertion of new sections 6A to 6D.—After section 6 of the principal Act, the following sections shall be inserted, namely :—

Confiscation of foodgrains, edible oilseeds and edible oils.—"6A. Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced, without any unreasonable delay, before the Collector of the district or the Presidency-town in which such foodgrains, edible oilseeds or edible oils are seized and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been a contravention of the order, may order confiscation of the foodgrains, edible oilseeds or edible oils.

Issue of show cause notice before confiscation of foodgrains, etc.—6B. No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—

(*a*) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles;

(*b*) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(*c*) is given a reasonable opportunity of being heard in the matter :

Provided that the notice referred to in clause (*a*) or the representation referred to in clause (*b*) may, at the request of the person concerned, be oral.

6 C. Appeal.—(1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government may, after giving an opportunity to the appellant to

be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the foodgrains or edible oilseeds or edible oils seized, such person shall be paid the price therefor as if the foodgrains, edible oilseeds or edible oils, as the case may be, had been sold to the Government; and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3.

6D. Award of confiscation not to interfere with other punishments.—The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.".

5. Amendment of section 7.—In section 7 of the principal Act, in clause (*b*) of sub-section (1),—

(*a*) in the opening paragraph, after the words "seem fit", the words "including, in the case of an order relating to foodgrians, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or other conveyance used in carrying foodgrains" shall be inserted;

(*b*) in the proviso, after the words "any part of the property", the words "or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance" shall be inserted.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

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